THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18975 of 2006

Dated: 13-09-2006

Between:

Smt. Madduru Koteswaramma.

..... PETITIONER

AND

The District Collector, Nellore District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.18975 of 2006

ORDER:

The petitioner is allegedly in possession of small extent of land admeasuring 0.05 cents in survey No.360 of Chillakuru Village and Mandal of Nellore District, where she is allegedly running a tea stall. She apprehends that the third respondent might dispossess her by taking coercive steps without due process of law. Therefore, she filed the instant writ petition seeking a writ of Mandamus directing the respondents not to evict her from the subject land.

This Court has heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

There is no denial that on 02-01-2006, the third respondent issued notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for brevity, the Act) to the husband of the petitioner and he has already submitted explanation on 06-01-2006. However, so far no order under Section 6 of the Act is passed. Therefore, unless and until appropriate order is passed under Section 6 of the Act, needles to point out that the petitioner cannot be evicted. In that view of the matter, apprehension of the petitioner is without any basis.

The writ petition is, therefore, disposed of with the above observations and directing the third respondent to pass appropriate orders pursuant to the notice dated 02-01-2006 issued under Section 7 of the Act to the husband of the petitioner, namely, Srinivasulu. No costs.

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(**V.V.S.RAO, J**)

13th September, 2006

Note: Issue CC by 18-09-2006

B/o

ghn